

REMARKS

Claims 1-17 are pending in this application.

Applicant has amended claims 1, 7, and 10-17. The changes to these claims made herein do not introduce any new matter.

Allowable Subject Matter

Applicant appreciates the Examiner's prompt indication that claims 1-17 define allowable subject matter, provided the indefiniteness rejection under 35 U.S.C. § 112, second paragraph, is overcome. Applicant's responses to the issues raised in the Office Action are set forth below.

Rejection Under 35 U.S.C. § 112

Applicant respectfully requests reconsideration of the rejection of claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended each of independent claims 1 and 13-17 to address the indefiniteness issues raised by the Examiner. Accordingly, Applicant submits that claims 1-17 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and requests that the rejection of these claims thereunder be withdrawn.

Rejection Under 35 U.S.C. § 101

Applicant respectfully requests reconsideration of the rejection of claims 16 and 17 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Applicant has amended each of claims 16 and 17 to define a program product that includes a computer-readable recording medium and a program recorded in the computer-readable recording medium. As set forth in M.P.E.P. § 2106.01, “[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” Thus, present claims 16 and 17 are

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believed to define statutory subject matter under 35 U.S.C. § 101. Accordingly, Applicant requests that the rejection of claims 16 and 17 under 35 U.S.C. § 101 be withdrawn.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-17, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP177).

Respectfully submitted,
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